



# Commonwealth of Massachusetts State Ethics Commission

One Ashburton Place, Room 619, Boston, MA, 02108  
phone: 617-727-0060, fax: 617-723-5851



SUFFOLK, ss.

COMMISSION ADJUDICATORY  
DOCKET NO. 464

## IN THE MATTER OF ROLAND SEGUIN

### DISPOSITION AGREEMENT

This Disposition Agreement (Agreement) is entered into between the State Ethics Commission (Commission) and Roland Seguin (Mr. Seguin) pursuant to §5 of the Commission's Enforcement Procedures. This Agreement constitutes a consented to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, §4(j).

On February 23, 1993, the Commission initiated, pursuant to G.L. c. 268B, §4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Mr. Seguin. The Commission has concluded its inquiry and, on March 30, 1993, found reasonable cause to believe that Mr. Seguin violated G.L. c. 268A.

The Commission and Mr. Seguin now agree to the following findings of fact and conclusions of law:

1. Mr. Seguin was, during the time relevant, an elected member of the Town of Fairhaven Tourism Committee. As such, Mr. Seguin was a municipal employee as that term is defined in G.L. c. 268A, §1.
2. The Fairhaven Tourism Committee (Committee) was established by the Fairhaven Board of Selectmen in 1984 to promote tourism in Fairhaven.
3. During the time here relevant, Mr. Seguin was a novelty items salesperson. The companies Mr. Seguin represented sold various items including commemorative plates. Mr. Seguin received, on average, a 10% commission on any sales he made.
4. In 1984, the Committee was looking to raise enough funds to create a map and brochure of the town. Mr. Seguin proposed the Committee sell a series of commemorative plates to raise the necessary funds.
5. Mr. Seguin, sometimes alone, and at times in conjunction with another Committee member, made each decision to purchase the plates and pay the bills on behalf of the Committee.
6. In each of the years 1984 through 1988 and in 1991, the Committee purchased a total of approximately \$6,000 in plates from companies Mr. Seguin represented.
7. Mr. Seguin, as a salesperson for the companies, earned approximately \$600 in commissions on these sales.
8. Except as otherwise permitted by that section,<sup>1/</sup> General Laws c. 268A, §19 prohibits a municipal employee from participating as such in a particular matter in which to his knowledge he has a financial interest.
9. The decisions to purchase the plates on behalf of the Committee were particular matters.<sup>2/</sup>
10. Because Mr. Seguin, either with another Committee member or individually as a Committee member, made those purchasing and payment decisions, he participated<sup>3/</sup> in these particular matters.

11. Mr. Seguin knew he had a financial interest in these particular matters because he stood to make a 10% commission on each such sale.

12. Therefore, by participating in the purchasing and payment decisions as described above, Mr. Seguin repeatedly participated in particular matters as a Committee member in which to his knowledge he had a financial interest, thereby violating §19.

13. In Spring 1992, the Fairhaven Selectmen removed Mr. Seguin from the Fairhaven Tourism Committee.

14. The Commission has no evidence to suggest that Mr. Seguin was aware that his actions violated G.L. c. 268A when he participated in the commemorative plate purchases.<sup>4/</sup>

In view of the foregoing violations of G.L. c. 268A by Mr. Seguin, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Mr. Seguin:

(1) that Mr. Seguin pay to the Commission the sum of seven hundred and fifty dollars (\$750) as a civil penalty for violating G.L. c. 268A, §19;

(2) that Mr. Seguin disgorge the economic benefit he received by violating G.L. c. 268A, §19, namely the \$600 in commissions he earned; and

(3) that Mr. Seguin waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

**DATE: April 9, 1993**

<sup>1/</sup> None of the exceptions applies.

<sup>2/</sup> "Particular matter," any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property. G.L. c. 268A, §1(k).

<sup>3/</sup> "Participate," participate in agency action or in a particular matter personally and substantially as a state, county or municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise. G.L. c. 268A, §1(j).

<sup>4/</sup> Ignorance of the law is no defense to a violation of G.L. c. 268A. *In re Doyle*, 1980 SEC 11, 13. See also, *Scola v. Scola*, 318 Mass. 1, 7 (1945).